

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT STATE OF HAWAII

SYNAGRO TECHNOLOGIES, INC.,) CIVIL NO. CV04-00509 SPK LEK
)
Plaintiff,) DECLARATION OF GORDON D.
) NELSON
vs.)
)
GMP HAWAI'I, INC.,)
)
Defendant,)
)
and)
)
CITY AND COUNTY OF)
HONOLULU,)
)
Garnishee.)
)

DECLARATION OF GORDON D. NELSON

GORDON D. NELSON hereby declares that:

1. I am an attorney licensed to practice law in the State of Hawaii.

2. I am a Deputy Corporation Counsel with the City and County of

Honolulu and am one of the attorneys assigned to represent Defendant City and
County of Honolulu in the above-entitled action.

3. I have reviewed the website of the Department of Commerce and

Consumer Affairs of the State of Hawaii and have determined: a) that GMP

Hawaii, Inc. (the “Debtor”) and GMP Associates, Inc. are separately incorporated; b) that GMP Associates, Inc. has changed its name to Ohio Pacific Tech, Inc., and c) that GMP Hawaii, Inc. registered the trade name GMP Associates on December 14, 2001.

4. I have reviewed the files of the City’s Accounts Payable Section and have determined: a) that GMP Hawaii, Inc. and GMP Associates, Inc. have distinct federal Employee Identification Number; and b) that Contract No. F96972 appears not to have been amended since October 14, 2004, when it provided that the sum of \$332,847.00 was “an allowance reserved for future work when requested by the City with a contract amendment.”

5. The Accounts Payable Section of the City’s Department of Budget and Fiscal Services has reported to me that \$10,000.00 in encumbered funds remains available for Contract No. F27964; \$8,500.00 in encumbered funds for Contract No. F57136; and \$332,847.00 in encumbered funds for Contract No. F90972.

6. Exhibits A and B to the attached hereto are true copies of assignments filed by the Debtor with respect to City Contract Nos. F27964 and F90972, respectively.

7. The Debtor has not completed the performance of Contract No. F27964 by providing “as-built” plans.

8. I have requested counsel for Plaintiff to confirm in writing that the garnishment is not intended to reach amounts payable under contracts with GMP Associates, Inc. Counsel has declined to do so.

I GORDON D. NELSON, declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii, August 13, 2007.

By: /s/ Gordon D. Nelson
GORDON D. NELSON